



LIFELINE CENTER FOR CHILD DEVELOPMENT, Inc.

A non-profit psychiatric day treatment center and special education school

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*In Memoriam

December 2, 2005

Federal Communications Commission
Office of the Secretary
445- 12th Street, SW
Washington, DC 20554

RE: CC Docket No. 02-6
APPEAL
Billing Entity No.12557
Form 471 Application No. 409570
Form 486 Application No. 317066
Funding Request No. 1169831

To Whom It May Concern:

I am writing to you on behalf of our program which serves seriously emotionally disturbed children. I am providing you with my correspondence as well as USAC response to our appeal. Again, I wish to inform you that at no time did customer service at USAC ever advise us that the Form 486 was due within 120 days, even though the spin split change for Verizon service had to be filed. In fact we were misinformed and told to file an amended 486 when we receive the approved split change.

The amount that is in dispute is a mere \$8,080.03, however, for a non-for-profit agency like ours that provides services to the most disabled children in New York City the amount is crucial for our daily operation. I am, therefore, requesting that you reverse the USAC decision and restore the funding to us.

Respectfully submitted,

Dr. Joseph Zacherman
Executive Director

JGZ:mag

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Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2004-2005

November 18, 2005

Dr. Joseph Zacherman
Lifeline Center
80-09 Winchester Boulevard
Queens Village, NY 11427

Re: Applicant Name: LIFELINE CTR-CHILD DEVEL
Billed Entity Number: 12557
Form 471 Application Number: 409570
Form 486 Application Number: 317066
Funding Request Number(s): 1169831
Your Correspondence Received: November 07, 2005

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2004 Form 486 Notification Letter for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1169831
Decision on Appeal: **Denied**
Explanation:

- On appeal, you seek reversal of the SLD's decision to adjust the Service Start Date and reduce the funding request commitment amount for violating the Form 486 120-day deadline. In support of your request, you state that you filed a Split SPIN change for Verizon between its local and long distance telecommunication services. You state that you were informed by an SLD customer representative to file a Form 486 after you received your Revised Funding Commitment Decision Letter. However, you were not informed that you still needed to file a Form 486 for the original SPIN. You were later informed that the original FRN (1169831) was still bound to the 120-days Form 486 filing deadline. You request that you not be penalized for the technical error.

- Upon review of the appeal letter, the relevant facts, and supporting documentation, the SLD determined that the Form 486 for this funding request should have been filed within 120-days calculated from the issuance date of the Funding Commitment Decision Letter or the Service Start Date as indicated on the Form 486, whichever is later. According to the SLD website (<http://www.sl.universalservice.org/reference/Form486Deadlines.asp>) regarding the Form 486 filing deadline, filing a SPIN Change request does not affect the deadlines for filing Form 486. You did not provide any evidence on appeal to show that you completed and certified a Form 486 on or before the 120-days deadline. It is the responsibility of the applicant to ensure that all Forms are submitted to SLD in a timely and correct manner.
- The date of your Funding Commitment Decision Letter (FCDL) for Form 471 application 409570 was May 24, 2005. The Service Start Date reported on your Form 486 was July 1, 2004. The postmark date of your Form 486 was October 12, 2005. Since your FCC Form 486 was postmarked more than 120 days after your Service Start Date or the date of your FCDL, whichever is later, the SLD has revised your Service Start Date to the date 120 days before your Form 486 postmark date and reduced your funding commitment amount based on the adjusted Service Start Date.

The "Form 486 must be postmarked no later than 120 days after the Service Start Date featured on the Form 486 or no later than 120 days after the date of the Funding Commitment Decision Letter, whichever is later." See 2004 Funding Commitment Decision Letter, Universal Service for Schools and Libraries, Receipt of Service Confirmation Form, OMB 3060-0853, Instructions at 6. Since your Form 486 was postmarked after the 120 day filing requirement, the SLD has modified your service start date. The facts present in this appeal do not justify waiving the 120 day filing requirement. Consequently, your appeal is denied.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either the SLD or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company